

# CATEGORY 2

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FACIL: 50-220 Nine Mile Point Nuclear Station, Unit 1, Niagara Powe 05000220  
50-410 Nine Mile Point Nuclear Station, Unit 2, Niagara Moha 05000410

**AUTH.NAME** AUTHOR AFFILIATION  
HEHL, C.W. Region 1 (Post 820201)  
**RECIP.NAME** RECIPIENT AFFILIATION  
MUELLER, J.H. Niagara Mohawk Power Corp.

**SUBJECT:** Forwards insp repts 50-220/97-12 & 50-410/97-12 on 971109-980103 & notice of violation. Violations involved failure to follow stack radiation monitor calibration procedure at Unit 1 & failure to have emergency lighting installed.

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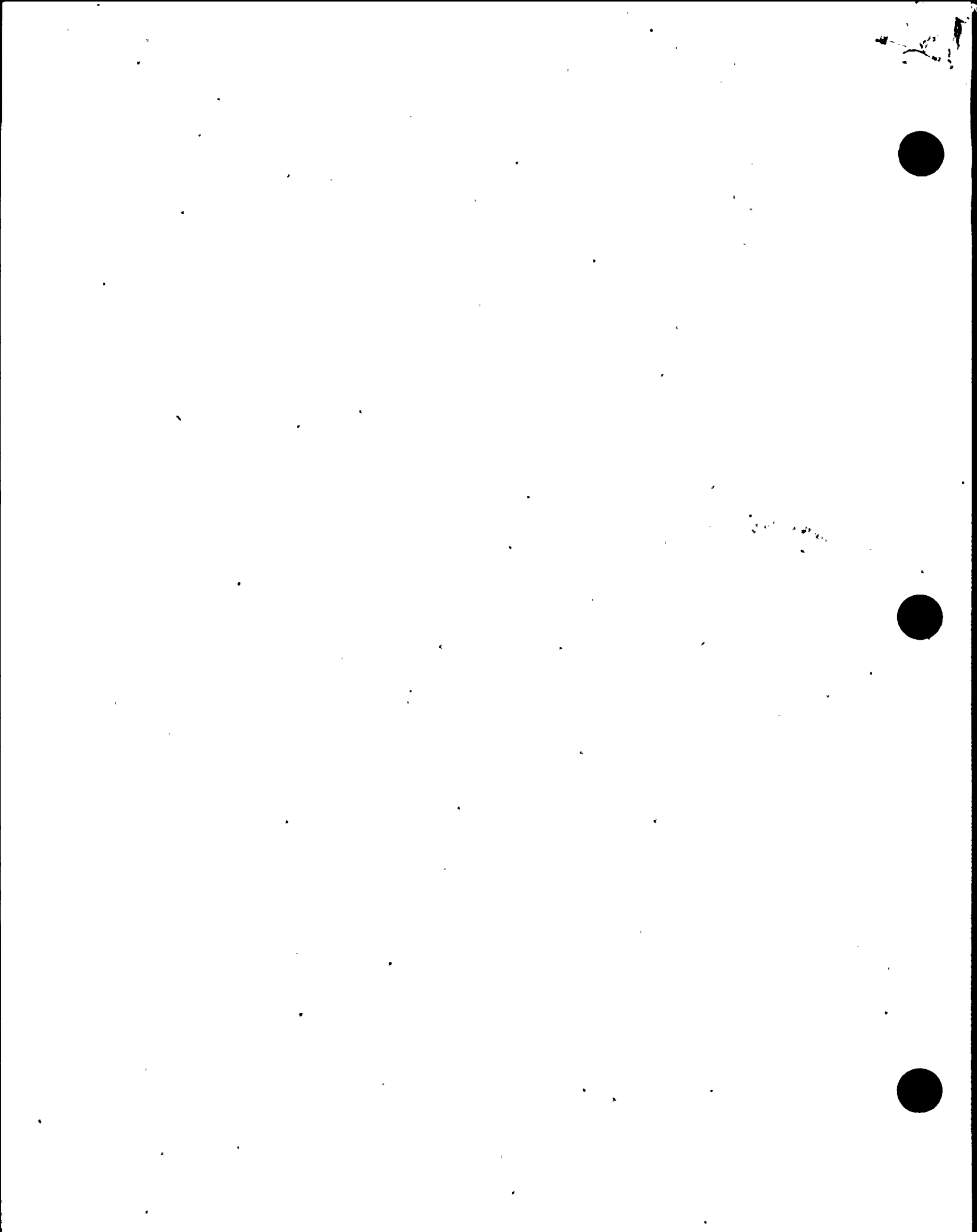
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February 24, 1998

EA 98-033

John H. Mueller  
Senior Vice President and  
Chief Nuclear Officer  
Niagara Mohawk Power Corporation (NMPC)  
Operations Building  
2nd Floor  
P.O. Box 63  
Lycoming, NY 13093

SUBJECT: NRC INSPECTION REPORT NOS. 50-220/97-12 AND 50-410/97-12,  
NOTICE OF VIOLATION, AND EXERCISE OF ENFORCEMENT DISCRETION

Dear Mr. Mueller:

This report transmits the findings of safety inspections conducted by NRC inspectors at the Nine Mile Point Nuclear Station, Units 1 and 2, from November 9, 1997 through January 3, 1998. At the conclusion of the inspection, the findings were discussed with you, and members of your staff.

During this period, your staff operated both units safely. Good performance was noted during activities associated with the Unit 1 emergency cooling (EC) condenser repair and subsequent plant restart; continued improvement in control room formality and communications were also observed. In general, we found your staff demonstrated a good questioning attitude as evidenced by the identification of several longstanding deficiencies. Particularly noteworthy was the Unit 2 reactor operator's identification of the inadequate rod sequence control system surveillance test.

Based on the results of this inspection, the NRC has determined that violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. Specifically, the violations involve the following: 1) the failure to follow the stack radiation monitor calibration procedure at Unit 1, 2) the failure to have emergency lighting installed to support operator actions during a control fire at Unit 1, and 3) the failure to adequately test the rod sequence control system at Unit 2.

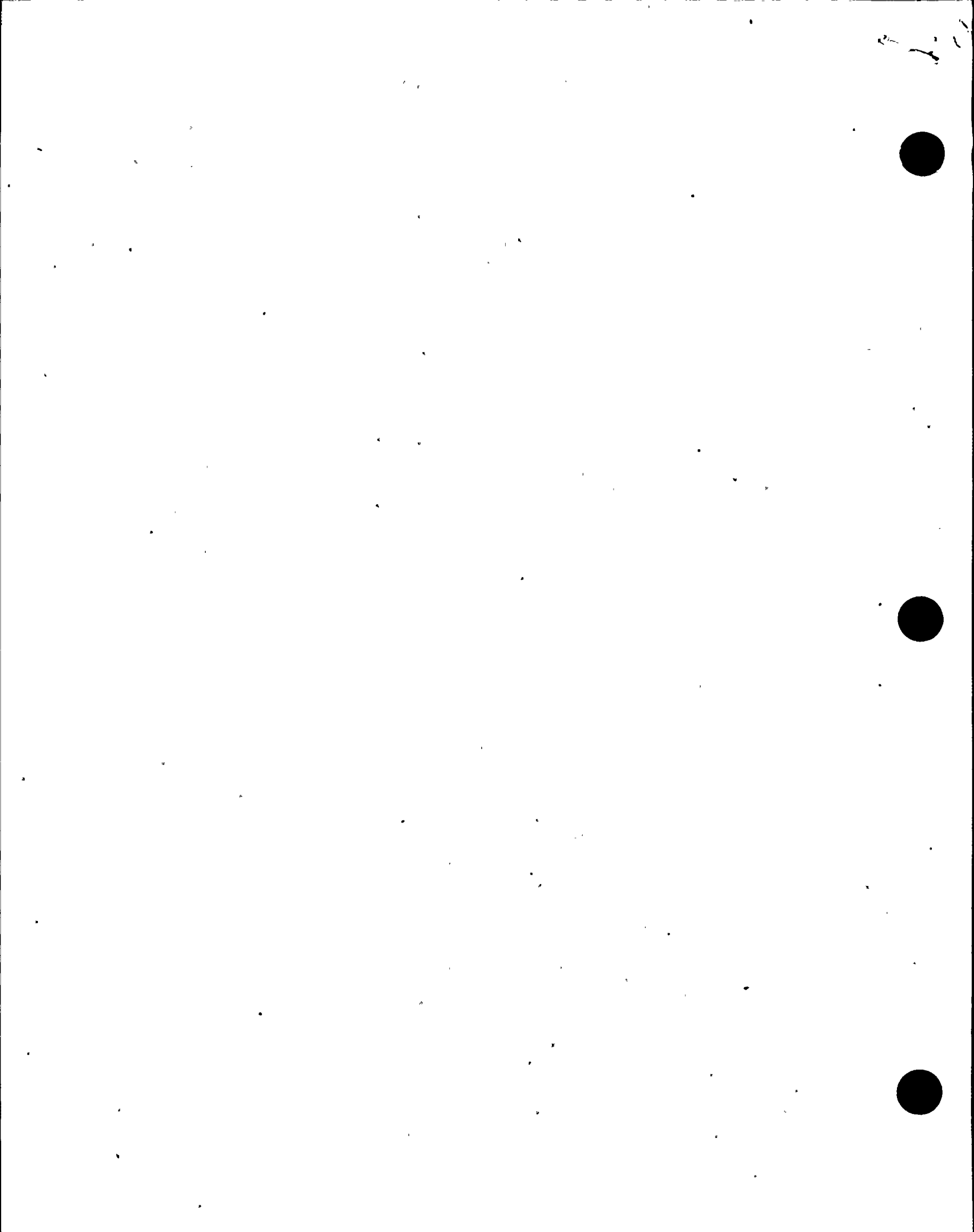
The NRC has concluded that the information regarding the reason for the Unit 1 violations, the corrective actions taken and planned to correct the violations and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in Licensee Event Reports 50-220/97-13 and 50-220/97-12. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice. For the remaining violation you are required to respond to this letter and should follow the

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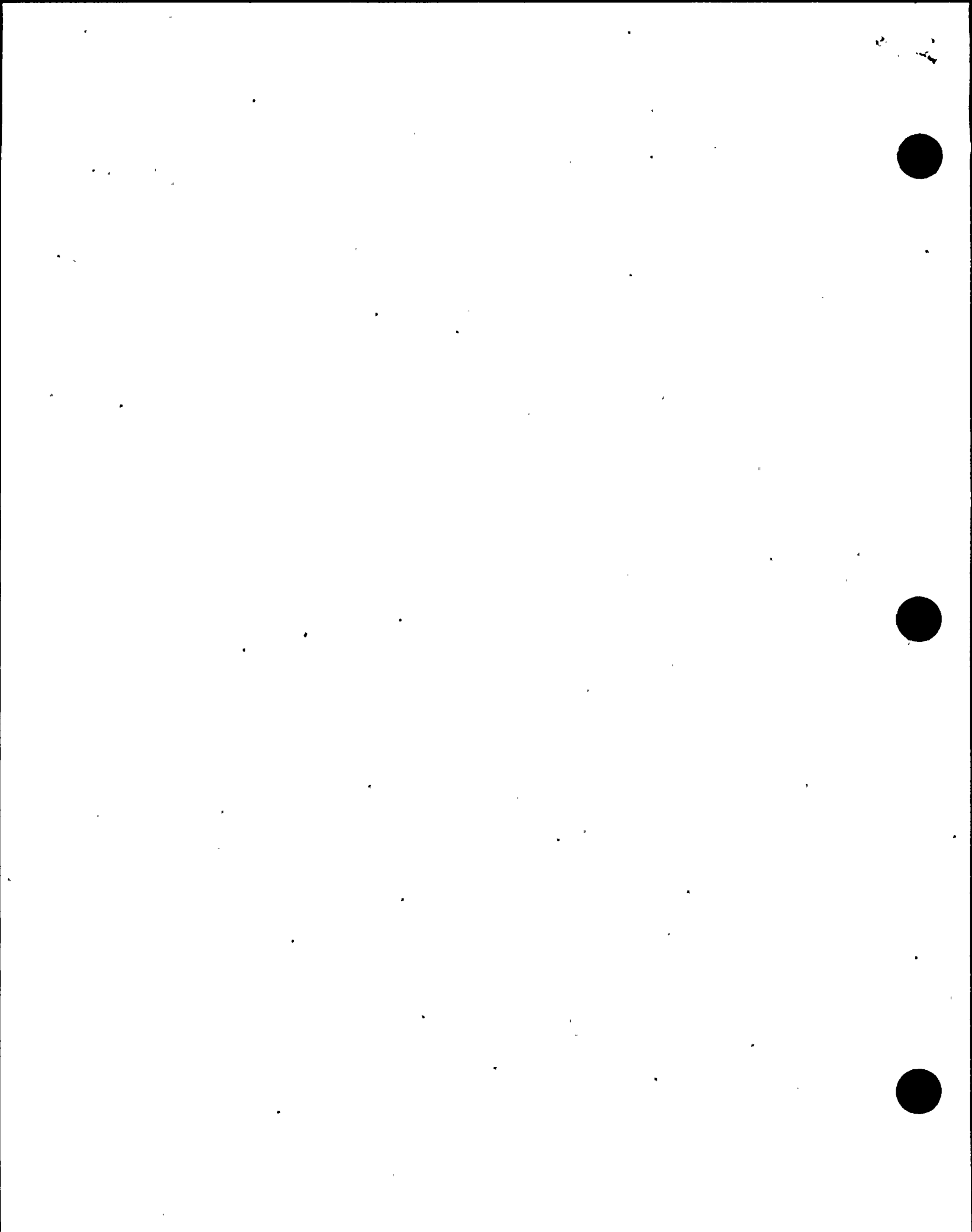


instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In addition, during the 1991 modification to the rod worth minimizer system, we noted that the system engineer's recommendation that the surveillance test be revised to ensure adequate testing of the Unit 2 rod sequence control system was not incorporated. The associated Licensee Event Report did not discuss why this recommendation was not incorporated. Therefore, we request that you address this issue, including the cause and any corrective actions taken, in your response to the violation.

The NRC also reviewed an original design and installation discrepancy at Unit 2 regarding a breach between an equipment qualification (EQ) classified harsh environment area and a mild environment area. The NRC considers your identification of this longstanding design issue to be very good. In addition, the corrective actions taken in response to this issue were comprehensive. This design issue is an apparent violation of NRC requirements which could be considered for escalated enforcement and subject to a civil penalty. However, after consultation with the Director, Office of Enforcement, and the Regional Administrator, I have been authorized to not issue a Notice of Violation and not propose a civil penalty in this case in accordance with the provisions provided in Section VII.B.3 of the NRC's Enforcement Policy. This decision was made after consideration that: (1) the violation was identified by your staff's good questioning attitude; (2) corrective actions taken were comprehensive and timely; (3) the conditions were subtle in nature and not likely to be disclosed through routine surveillance or quality assurance activities; and (4) the violation is not reasonably linked to current performance. The exercise of discretion acknowledges your good effort to identify and correct a subtle violation, that would not be identified by routine efforts, before degraded safety systems are called upon.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511.



John H. Mueller

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be placed in the NRC Public Document Room.

Sincerely,

Original Signed by:

Charles W. Hehl, Director  
Division of Reactor Projects

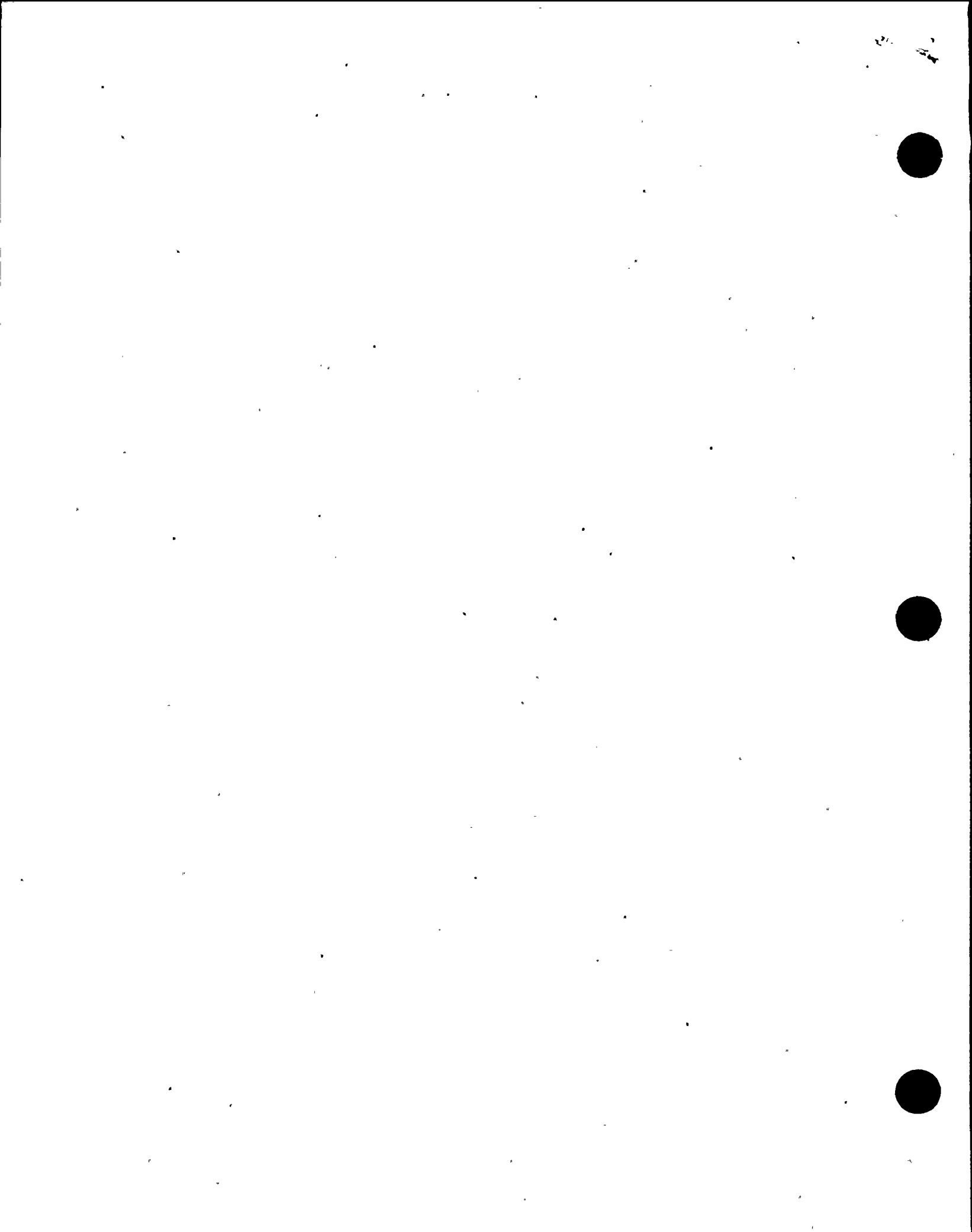
Docket Nos. 50-220, 50-410  
License Nos. DPR-63, NPF-69

Enclosures:

1. Notice of Violation
2. NRC Inspection Report Nos. 50-220/97-12 and 50-410/97-12

cc w/enclosures:

- B. Ralph Sylvia, Executive Vice President
- R. Abbott, Vice President & General Manager - Nuclear
- C. Terry, Vice President- Safety Assessment and Support
- J. Conway, Vice President - Nuclear Engineering
- K. Dahlberg, Vice President - Nuclear Operations
- D. Wolniak, Manager, Licensing
- G. Wilson, Senior Attorney
- M. Wetterhahn, Winston and Strawn
- J. Rettberg, New York State Electric and Gas Corporation
- P. Eddy, Electric Division, Department of Public Service, State of New York
- C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
- J. Vinquist, MATS, Inc.
- F. Valentino, President, New York State Energy Research and Development Authority
- J. Spath, Program Director, New York State Energy Research and Development Authority





John H. Mueller

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